

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3738 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

VALSAD JILLA BANK KARMACHARI UNION & ANR.

Versus

VALSAD JILLA SAHAKARI BANK LTD & ORS.

Appearance:

MR GR UDHWANI for Petitioners
MS MAMTA VYAS for Respondent No. 1
None present for Respondent No. 2 and 4
MR VB GHARANIA for Respondent No. 3
MR KETAN DAVE for Respondent No. 5

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 17/12/96

ORAL JUDGEMENT

1. Learned counsel for respondent no.5, Shri Ketan Dave contended that the issue raised in this Special Civil Application by the petitioner is squarely covered by the decision of this court in special Civil

Application No.249/82 decided on 24th April, 1982. A zerox copy of the said judgment has been filed on record of this case and the copy of the same has also been given to the counsel for the petitioner.

2. In the case before this court in the aforesaid special civil application, the question therein was whether a Cooperative bank having all its branches except and save one in Gujarat and one branch in Dadra Nager Haveli is governed by the Bombay Industrial Relations Act, 1946. Exactly same is the issue in this Special Civil Application on which the counsel for the petitioner does not dispute.

3. What the learned counsel for the petitioner contended that the decision in Special Civil Application No.249/82 has been given on concessions made by the parties on both the issues namely that the bank concerned therein is a banking company as defined in sec.5 of Banking Companies Act, 1949 and that the said bank has a branch in Dadra Nager Haveli which is outside Gujarat, and as such, that decision is not binding ratio. It is true that there was no dispute in the said case that the bank concerned namely Gujarat Industrial Cooperative Bank Ltd. is a banking company as defined in sec.5 of the Banking Companies Act, 1949, but in the present case the learned counsel for the petitioner is unable to satisfy this court how the petitioner is not a banking company within the meaning as given under sec.5 of the Banking Companies Act, 1949.

4. So far as the second point is concerned, there is no dispute that the petitioner-bank has also started its branch at Silvassa (Union territory) which is outside Gujarat. I find sufficient merits in the contention of the counsel for the respondent that the point raised in this case is squarely covered by the decision of the Division bench in Special Civil Application No.249/82.

5. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged.

zgs/-